

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

ORPHEUS LENSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-cv-291-DPJ-FKB

PRECISION DESIGN MACHINERY, INC.
d/b/a ADI/PDM TRADE GROUP and
DEFENDANTS A-Z

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW the Defendant, Precision Design Machinery, Inc. d/b/a ADI/PDM Trade Group (“Precision Design Machinery”), through counsel, pursuant to 28 USC §§ 1332, 1441 & 1446 and other applicable law, and files its Notice of Removal as follows:

1.

Plaintiff, Orpheus Lenson (“Lenson”), commenced this civil action on or about 4/28/22 in the First Judicial District of the Circuit Court of Hinds County, MS, bearing Cause No. 25CI1:22-cv-00253-TTG. A true and correct copy of Lenson’s Complaint is attached hereto as Exh. “A.” Per the allegations of the Complaint, Lenson is an adult resident citizen of Jackson, Hinds County, MS. Further, Precision Design Machinery is a non-resident corporation located in High Pointe, NC. Accordingly, complete diversity exists amongst the parties to this litigation.

2.

Although Plaintiff’s Complaint is silent as to any specific monetary demand, the Complaint references that Plaintiff was working at Great Southern Industries, Inc. in Hinds County, Mississippi. However, the B-31, Notice of Final Payment filed with the Mississippi Workers’ Compensation Commission, #2001528, establishes that a statutory lien exists in the amount of \$81,583.83 per MCA §71-3-71. See, Exh. “B.” Accordingly, the amount in controversy exceeds

the sum of \$75,000, exclusive of interest and costs, so as to render removal of this matter proper. Because less than 30 days have elapsed since the filing of the Complaint and service of process has been perfected upon the Defendant herein, removal of this matter is timely.

4.

Because this litigation was originally commenced in the Circuit Court of Hinds County, MS, the Northern Division of the Southern District is the proper venue for this removed action.

5.

In further support of its removal, Defendant has attached hereto true and correct copies of all process, pleadings and orders as set forth on the Circuit Court's docket as of the date of this removal. See, Composite Exh. "C" attached hereto and incorporated herein by reference.

6.

Other grounds to be assigned.

WHEREFORE, PREMISES CONSIDERED, Precision Design Machinery timely files the instant Notice of Removal and respectfully prays that this Court will proceed with the handling of this case as if the same had been initially commenced in this district and division and that no further proceedings transpire in the Circuit Court of Hinds County, MS-FJD, unless and until this case is remanded thereto. This Defendant prays for such further or additional relief, whether legal or equitable, to which it may be entitled in the premises.

RESPECTFULLY SUBMITTED, this the 1st of June, 2022.

PRECISION DESIGN MACHINERY, INC.

By: /s/ Mark D. Morrison
Mark D. Morrison, (MSB# 9005)

WILLIAMS & ASSOCIATES

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CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing pleading was served by electronic mail and/or by placing said in the United States mail, postage prepaid, and properly addressed to the following:

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Honorable Zach Wallace
Circuit Clerk of Hinds County, MS
ATTN: Cause No. 25CI1:22-cv-00253-TTG
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Honorable Tomie Green, Senior Circuit Judge
Hinds County, MS
Post Office Box 327
Jackson, MS 39205
fashley@co.hinds.ms.us

This the 1st of June, 2022.

/s/Mark D. Morrison
Mark D. Morrison (MSB #9005)